Nevada State Board of Dental Examiners



2651 N. Green Valley Pkwy, Ste. 104 • Henderson, NV 89014 • (702) 486-7044 • (800) DDS-EXAM • Fax (702) 486-7046

PUBLIC MEETING NOTICE & BOARD MEETING AGENDA

Meeting Date & Time

Tuesday January 18, 2022 6:00 p.m.

** This meeting will be held via <u>remote technology system</u> and **

** will be accessible to the public via ZOOM VIDEO WEBINAR/TELECONFERENCE ONLY **

** There will be <u>no physical location</u> for the meeting **

** pursuant to NRS 241.015, as amended by AB 253 (2021) **

<u>To access by phone</u>, call Zoom teleconference Phone Number: (669) 900 6833

<u>To access by video webinar</u>, visit <u>www.zoom.com</u> or use the Zoom appZoom

Webinar/Meeting ID#: **830 2050 7461**

Zoom Webinar/Meeting Passcode: 416766

MINUTES

PUBLIC NOTICE:

** This meeting will be held via VIDEO WEBINAR and TELE-CONFERENCE only **

<u>Public Comment by pre-submitted email/written form, only,</u> is available after roll call (beginning of meeting); <u>Live Public Comment by teleconference</u> is available prior to adjournment (end of meeting). Live Public Comment is limited to three (3) minutes for each individual.

Members of the public may submit public comment in written form to: Nevada State Board of Dental Examiners, 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014; FAX number (702) 486-7046; e-mail address nsbde@dental.nv.gov. Written submissions received by the Board on or before Friday, January 14, 2022 by 4:00 p.m. may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

The Nevada State Board of Dental Examiners may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

Persons/facilities who want to be on the mailing list must submit a written request every six (6) months to the Nevada State Board of Dental Examiners at the address listed in the previous paragraph. With regard to any board meeting or telephone conference, it is possible that an amended agenda will be published adding new items to the original agenda. Amended Nevada notices will be posted in compliance with the Open Meeting Law.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board, at (702) 486-7044, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

Pursuant to NRS 241.020(2) you may contact at (702) 486-7044, to request supporting materials for the public body or you may download the supporting materials for the public body from the Board's website at http://dental.nv.gov In addition, the supporting materials for the public body are available at the Board's office located at 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014.

<u>Note</u>: Asterisks (*) "<u>For Possible Action</u>" denotes items on which the Board may take action. <u>Note</u>: Action by the Board on an item may be to approve, deny, amend, or tabled.

1. Call to Order

- Roll call/Quorum

Mr. Su conducted roll call.

Dr. Tejpaul Johl (Dr. Johl) — Present	Dr. Todd Thompson (Dr. Thompson) — Present
Dr. Ronald West (Dr. West) — Present	Dr. Elizabeth Park (Dr. Park) — Present
Dr. Adam York (Dr. York) — Present	Ms. Yamilka Arias (Ms. Arias) — Present
Mr. Michael Pontoni (Mr. Pontoni) — Present	Dr. Ronald Lemon (Dr. Lemon)— Present
Dr. David Lee (Dr. Lee) — Present	Ms. Kimberly Petrilla (Ms. Petrilla) — Present
Ms. Jana McIntyre (Ms. McIntyre) — Present	

Others Present: Phil Su, Board General Counsel and Interim Executive Director; Jason Dworin, Board General Counsel

Public Attendees: Antonio; Caryn Solie; Cindy McLaughlin; Dee Sull; Kelly Taylor; Kevin Moore; Mary Bobbett; Patrick Gaus; Rita Goddard, RDH; Shari Peterson; Spencer Carlile; Tamera Finley; Terri Chandler; Turquoise Nepaulsingh; Shawn Drinkard

2. Public Comment (By pre-submitted email/written form only):

The public comment period is limited to matters<u>specifically</u> noticed on the agenda. No action may be taken upon the matter raised during public comment unless the matter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3) minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

Members of the public may submit public comment via email to nsbde@dental.nv.gov, or by mailing messages to the Board office. Written submissions received by the Board on or before Friday, January 14, 202 by ns may be entered into the record during the meeting. Any other written public comment submissions received prior to the adjournment of the meeting will be included in the permanent record.

In accordance with Attorney General Opinion No. 00-047, as restated in the Attorney General's Open Meeting Law Manual, the Chair may prohibit comment if the content of that comment is a topic that is not relevant to, or within the authority of, the Nevada State Board of Dental Examiners, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

There was no written public comment.

*3. Election of Officers – NRS 631.160:

*a. **<u>President</u>** (For Possible Action)

Mr. Su introduced the item as well as the general procedure of nominations and votes. Dr. Thompson made a motion to nominate Dr. David Lee as President. Dr. West seconded the motion. Dr. Thompson and Dr. West briefly commented their reasons for choosing Dr. Lee as President. All were in favor. Motion passed. Dr. Lee thanked the Board members for their support.

*b. Secretary Treasurer (For Possible Action)

Dr. Lee introduced this item and requested nominations for the position of Secretary Treasurer. Dr. Johl made a motion to nominate Ms. Jana McIntyre as Secretary Treasurer. Dr. Park seconded the motion. All were in favor. Motion passed. Ms. McIntyre thanked the Board members for their support.

*4. President's Report:

*a. Request to remove agenda item(s) (For Possible Action)

There was no request to move any agenda item(s).

*b. Approve Agenda (For Possible Action)

Dr. Thompson made a motion to approve the agenda as written. Dr. Lemon seconded the motion. All were in favor. Motion passed.

*5. <u>Secretary – Treasurer's Report</u>:

*a. <u>Approval/Rejection of Minutes</u> (For Possible Action)

- (1) Regulation Workshop 11/10/2021
- (2) Board Meeting and Continuation of Formal Hearing NSBDE v. Dr. Antonina Capurro (Day 15) 11/16/2021
- (3) Infection Control Committee Meeting 11/23/2021
- (4) Employment Committee Meeting 11/30/2021
- (5) Board Meeting 12/07/2021
- (6) Employment Committee Meeting 12/08/2021
- (7) Employment Committee Meeting 12/15/2021

Dr. Lee agreed to introduce this agenda item on behalf of the newly elected Secretary Treasurer, Ms. McIntyre, for convenience. He provided a brief overview of the draft minutes. Dr. Park made a motion to approve the minutes as set forth above. Dr. Johl seconded the motion. All were in favor. Motion passed.

*6. General Counsel's Report:

*a. <u>Legal Actions/Litigation/Regulatory Update</u> (For Information Only)

Mr. Su provided a status update to the proposed order for the hearing regarding Dr. Antonina Capurro. A brief discussion ensued regarding the procedure of finalizing the order among Dr. Park, Dr. Lee, and Mr. Su.

*b. Review Panel - NRS 631.3635 (For Possible Action)

(1) <u>Discussion and consideration of proposed findings and recommendations for matters that have been recommended for remand by the Review Panel, and possible approval/rejection of same by the Board – NRS 631.3635</u> (For Possible Action)

Mr. Dworin briefly outlined the confidential proposed remands.

Dr. York made a motion to accept the remands. Dr. Park seconded the motion. All were in favor. Motion passed.

- (2) <u>Consideration, review, and possible approval/rejection of Stipulation Agreements NRS 631.3635; NRS 622A.170; NRS 622.330</u> (For Possible Action)
 - (i) Rachel A Mismas, DDS
 - (ii) David Pham, DDS

Mr. Dworin introduced and briefly noted the content of the stipulations listed above. Dr. York made a motion to approve the stipulation for Rachel A Mismas, DDS. Dr. Thompson seconded the motion. All were in favor. Dr. West and Ms. Arias recused themselves. Motion passed.

Dr. Park made a motion to approve the stipulation for David Pham, DDS. Dr. Johl seconded the motion. All were in favor. Dr. West and Ms. Arias recused themselves. Motion passed.

*c. <u>Authorized Investigative Complaints - NRS 631.360</u> (For Possible Action)

(1) Dr. W – The Board received information alleging Dr. W may have breached the standard of care, thereby potentially violating NRS 631.3475

Mr. Dworin summarized the alleged issue to open an authorized investigation. A brief discussion followed between Dr. Thompson and Dr. Lee as to whether the situation warranted an investigation. Dr. Thompson made a motion to reject the opening of an investigation. Dr. Park seconded the motion. All were in favor. Ms. Arias recused herself. Motion passed.

(2) Dr. X – The Board received information alleging Dr. X may have breached the standard of care, thereby potentially violating NRS 631.3475

Mr. Dworin summarized the alleged issue to open an authorized investigation. Discussion ensued among Dr. Park, Dr. Lee, Mr. Dworin, and Mr. Su regarding generalized details regarding the allegations. Dr. Park made a motion to approve the opening of an investigation. Mr. Pontoni seconded the motion. All were in favor. Motion passed.

(3) Dr. Y – The Board received information alleging Dr. Y may have breached the standard of care, thereby potentially violating NRS 631.3475

Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Thompson, Dr. Park, and Dr. Lee briefly discussed the general allegations. Dr. Park made a motion to approve the opening of an investigation. Dr. Lemon seconded the motion. All were in favor. Motion passed.

(4) Dr. Z – The Board received information alleging Dr. Z may have breached the standard of care, thereby potentially violating NRS 631.3475

Mr. Dworin summarized the alleged issue to open an authorized investigation. Dr. Thompson made a motion to reject the opening of an investigation. Dr. Lemon seconded the motion. All were in favor. Motion passed.

*7. Old Business:

*a. <u>Discussion, Consideration, and Possible Determination of Board Meeting Date for Calendar Year of 2022 – NRS 631.190</u> (For Possible Action)

Tuesdays at 6:00pm	
February 15, 2022	March 15, 2022
April 12, 2022	May 17, 2022
June 14, 2022	July 12, 2022
August 2, 2022	September 13, 2022
October 11, 2022	November 8, 2022
December 6, 2022	

Dr. Lee introduced the agenda item regarding the proposed schedule for Board meeting dates for the calendar year of 2022. Ms. Arias made a motion to approve the dates as set forth above. Ms. McIntyre seconded the motion. All were in favor. Motion passed.

- b. <u>Update Regarding Board's Delegation of Authority to the Executive Director to Approve Purchases</u> from a Single Vendor in an Amount not Exceeding \$10,000.00 from the Board's Operating Account <u>upon Prior Review and Approval from the Board's Secretary-Treasurer NRS 631.160 and 631.190</u>

 (For Information Only)
 - (1) Creative Builders, Inc. Change Orders
 - (2) New Office Furniture
 - (3) Conference Room Televisions and Speaker System

Dr. Lee briefly introduced the agenda item and invited Mr. Su to speak regarding the updates set forth above. Mr. Su provided an overview of the current status of structural changes by Creative Builders, Inc. and related pricing updates, the status of obtaining new office furniture where needed, and the timeline for having the conference room televisions and speaker system installed for future Board and Committee meetings. Dr. Lee, Dr. Thompson, and Dr. Park briefly commented on the update and discussed the possibility of an in-person Board meeting in the near future.

*c. <u>Discussion, Consideration, and Possible Approval/Rejection of Recommendations by the Anesthesia Committee to the Board Regarding Proposed Changes to Nevada Administrative Code Chapter 631 Pertaining to Certain Anesthesia Regulations, as first proposed in the Board's September 14, 2018 Public Workshop – NRS 631.265 & NAC 631.224 (For Possible Action)</u>

Dr. Lee introduced the agenda item and requested Dr. Thompson to expand on the proposed changes to Nevada Administrative Code Chapter 631 pertaining to certain anesthesia regulations. Dr. Thompson provided an overview of the changes outlined in the draft as discussed during the Committee meeting. Mr. Su offered additional background and explanation of the redlined draft. Discussion ensued among Dr. Thompson, Dr. Lee, Dr. Johl, and Dr. Park regarding clarification and making an additional edit. Dr. Johl made a motion to accept the Anesthesia Committee's recommended draft with the changes as discussed. Ms. Arias seconded the motion. All were in favor. Motion passed.

*d. Approval/Rejection of Temporary Anesthesia Permit - NAC 631.2254 (For Possible Action)

- (1) William J Plumb DDS Moderate Sedation (patients 13 years of age & older)
- (2) Qin Xia DDS Moderate Sedation (patients 13 years of age & older)
- (3) Travis J Scholer DMD General Anesthesia

Dr. Thompson introduced the agenda item regarding temporary anesthesia permits and made a motion to approve permits for all three individuals. Dr. Park seconded the motion. All were in favor. Motion passed.

- *8. New Business: (For Possible Action)
 - *a. Consideration, discussion and possible approval/rejection of the Recommendation from the Employment Committee to Hire their selected applicant Listed for the Unclassified Executive Director Position NRS 631.190; NRS 631.160; NRS 622.220 (For Possible Action)
 - (1) Hardeep Sull, Esq.

Dr. Lee provided an overview of the Employment Committee's process of selecting an applicant for the unclassified position of Executive Director. Discussion ensued among Dr. Lee, Dr. Thompson, Ms. McIntyre, Dr. Lemon, Dr. Johl, and Mr. Su regarding the starting salary range. Ms. Sull, who was present as an attendee, responded to questions from Dr. Johl, Dr. Park, Dr. Thompson, and Ms. Petrilla relating to the position. Dr. Park made a motion to accept the Employment Committee's recommendation to hire Hardeep Sull, Esq. for the unclassified position of Executive Director. Dr. West seconded the motion. All were in favor. Motion passed. Mr. Su requested clarification as to the salary approval. Dr. Lee confirmed the consensus was for the salary to be set at \$135,000.

- *b. <u>Consideration, discussion, and possible approval/rejection of Employment Committee's</u>

 <u>Recommendations on Appointments of Non-Board Member Review Panel Members</u>

 (For Possible Action)
 - (1) Existing Review Panel Members
 - (i) Joan Landron, DMD
 - (ii) Samantha Sturges, RDH
 - (iii) Nichelle Venable, RDH
 - (2) Review Panel Applicants
 - (i) Nicole Brewster, RDH
 - (ii) Tamara Finley, RDH
 - (iii) Cynthia Galovic-McLaughlin, RDH
 - (iv) Rita Goddard, RDH
 - (v) Daniela Heider, RDH
 - (vi) Khalid Jilani, DMD
 - (vii) Sandra Lee, DMD

- (viii) Katherine Lucchetti, RDH
- (ix) Turquoise Nepaulsingh, RDH
- (x) Kathryn Spargo, RDH
- (xi) Kelly Taylor, RDH

Dr. Lee noted that the Employment Committee tabled the agenda item during discussion so there were no recommendations to provide to the Board at this time.

- *c. Consideration, discussion, and select Review Panel Members for term beginning January 1, 2022 through December 31, 2022 – NRS 631.190; NRS 631.3635 (For Possible Action)
 - (1) <u>Dental Panel</u>: (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Dentist)
 - (2) <u>Dental Hygiene Panel</u>: (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Hygienist)
 - (3) <u>Alternate Dental Panel</u>: (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Dentist)
 - (4) <u>Alternate Dental Hygiene Panel:</u> (One (1) Board Member Dentist, One (1) Board Member Hygienist, and One (1) Non-Board Member Hygienist)

Dr. Lee and Mr. Su provided an overview of the Review Panel member appointments. Dr. Lee made a motion to appoint Ms. Petrilla as the Board Member Hygienist for the Dental Hygiene Panel. Dr. West seconded the motion. A brief discussion ensued between Dr. Thompson and Dr. Lee regarding the vacancy of the non-Board member position and result of the Employment Committee discussion. Dr. Park indicated she would be willing to continue as a Review Panel member and made a motion for the remaining Review Panel appointments to remain the same in addition to Ms. Petrilla's appointment to the Dental Hygiene Panel. Ms. McIntyre seconded the motion. All were in favor. Motion passed.

- *d. Appointment of Members to Board Committees NRS 631.190 (For Possible Action)
 - (1) Anesthesia
 - (2) <u>Legislative and Dental Practice</u>
 - (3) Legal and Disciplinary Action
 - (4) Continuing Education
 - (5) **Employment**
 - (6) **Dental Hygiene/Dental Therapy**
 - (7) Infection Control
 - (8) **Budget/Finance**
 - (9) Examination Liaisons
 - (i) WREB Representatives
 - (ii) ADEX Representatives

Dr. Lee introduced the agenda item and briefly went over the current Committee appointments and requested the addition of Dr. Park to the Disciplinary Committee and Legislative, Legal, and Dental Practice Committee. He then invited Board members to discuss appointments. Discussion ensued among Ms. Arias, Dr. Lee, Ms. McIntyre, and Dr. West as to the vacancy in the Dental Hygiene and Dental Therapy Committee. Mr. Su noted that Subcommittees are chosen by the respective Committees in Committee meetings, so this discussion was only intended for the Committee appointments. Dr. Thompson, Dr. Lee, Dr. West, Dr. Park, Mr. Su, and Dr. Johl discussed Committee appointments and the process of selecting Sub-Committee members.

Mr. Su noted the absence of an ADEX examination liaison, and Dr. Lee indicated Ms. Arias was an examiner, which was confirmed by Ms. Arias.

Dr. Thompson made a motion to approve the changes as discussed. Dr. West seconded the motion. All were in favor. Motion passed.

- *e. <u>Consideration, discussion, and possible approval/rejection of prospective RDH Application For Licensure by Endorsement (Military/Spouses of Military Personnel) NRS 631.290; NRS 631.330 (For Possible Action)</u>
 - (1) Sarah Drinkard, RDH

Dr. Lee requested Mr. Su to provide an overview of the foregoing agenda item. Mr. Su provided information regarding the background and unique situation for the Board's consideration. Discussion ensued among Dr. Lee, Dr. Park, Dr. Thompson, Ms. McIntyre, Ms. Arias, Ms. Petrilla, Mr. Su, and Dr. Johl regarding specifics and potential options. Ms. Drinkard, who was present as an attendee, responded to questions from Dr. Park and Dr. West relating to her experience and self-assessment of skills. Dr. Thompson made a motion to require an assessment through the University of Nevada, Las Vegas in order to process Ms. Drinkard's expedited application for licensure. Ms. Arias seconded the motion. A brief discussion took place among Dr. Lee, Dr. Thompson, Dr. Park, and Mr. Pontoni. All were in favor. Motion passed.

*f. <u>Approval/Rejection of Voluntary Surrender of License – NAC 631.160</u> (For Possible Action)

- (2) Kathleen J Peplin, RDH
- (3) Diane M Persike, RDH

Dr. Lee introduced the agenda item and requested confirmation regarding the voluntary surrenders for the foregoing individuals. Mr. Su confirmed that the voluntary surrender submissions were in order. Dr. West made a motion to approve the voluntary surrenders for both individuals. Dr. Park seconded the motion. All were in favor. Motion passed.

*g. Approval/Rejection of Temporary Anesthesia Permit – NAC 631.2254 (For Possible Action)

- (1) Lee E Roundy DMD Pediatric Moderate Sedation
- (2) Patrick M Gaus DDS General Anesthesia
- (3) William J Curtis DMD, MD General Anesthesia
- (4) Erik I Nariyoshi DDS General Anesthesia
- (5) Ryan S Payne DMD General Anesthesia
- (6) Jee Ryang Yoo DDS General Anesthesia

Dr. Thompson introduced the agenda item regarding temporary anesthesia permits and made a motion to approve temporary permits for all six individuals listed above. Dr. Park seconded the motion. All were in favor. Motion passed.

*h. Approval/Rejection of Permanent Anesthesia Permit - NAC 631.2235 (For Possible Action)

- (1) Nathan Y Lo DDS Pediatric Moderate Sedation
- (2) Todd E Sumner DDS General Anesthesia

Dr. Thompson introduced the agenda item regarding permanent anesthesia permits and made a motion to approve permanent permits for both individuals listed above. Dr. Park seconded the motion. All were in favor. Motion passed.

*i. <u>Approval/Rejection of 90-Day Extension of Temporary Anesthesia Permit – NAC 631.2254(2)</u> (For Possible Action)

(1) Rizza Aurica M Bejasa DDS – Pediatric Moderate Sedation

Dr. Thompson briefly introduced the agenda item regarding a temporary anesthesia permit extension to allow for an evaluation to be completed. Dr. Thompson made a motion to accept the 90-day extension

of the permit. Dr. Park seconded the motion. All were in favor. Motion passed.

*j. Consideration, discussion, and possible approval/rejection of Cost of Living Adjustment (COLA) and pay merit increases to board staff members – NRS 631.190 (For Possible Action)

Dr. Lee introduced the agenda item regarding possible COLA and merit increases for Board staff members. Dr. Park made a motion to approve an increase. Dr. Johl seconded the motion. Discussion ensued regarding specifics of the increase among Dr. Thompson, Mr. Su, Dr. Park, Dr. Lee, Ms. Arias, Dr. Lemon, and Dr. Johl. Based on the additional information and discussion, Dr. Lee made a new motion to provide a 3% COLA increase for Board staff members. Dr. Johl seconded the motion. All were in favor. Motion passed.

9. Public Comment (Live public comment by teleconference):

This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon the matter raised during public comment unless thematter itself has been specifically included on the agenda as an action item. Comments by the public may be limited to three (3)minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint. The Chairperson may allow additional time at his/her discretion.

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There was no public comment.

10. Announcements

Dr. Lee thanked all Board members and staff.

*11. Adjournment (For Possible Action)

Dr. Park made a motion to adjourn. Dr. Lemon seconded the motion. All were in favor. Motion passed.

PUBLIC NOTICE POSTING LOCATIONS

Office of the N.S.B.D.E., 2651 N. Green Valley Pkwy, Ste. 104, Henderson, NV 89014
State Board of Dental Examiners website: www.dental.nv.gov
Nevada Public Posting Website: www.notice.nv.gov

Phil Su

General Counsel/Interim Executive Director